IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21506 of 2004

Between:

M/s H.K.Textiles Pvt.Ltd rep.by its Managing Director Rajender, R/o D.No.6-107, Chintal HMT Road, Hyderabad rep.by GPA holder G.Narayana, S/o Narasaiah, aged 64 years, R/o H.No49-411/3, Bapunagar, Chintal, Hyderabad

..... PETITIONER

AND

M/s National Small Industries Corporation Ltd. rep.by its Joint Manager, 203, Sri Dattasai Complex, RTC X Roads, Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate Writ order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondent herein in not following the due process of law to recover loan amount as arbitrary, illegal, capricious and violative of all cannons of law and justice apart from fair play and consequently direct the respondent to follow the due process of law in recovery of loan bearing No.HP/076/2000 granted to the Petitioner herein.

Counsel for the Petitioner:MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondent: M.V.S.SURESH KUMAR,

The Court made the following :

ORDER:

This writ petition is filed to declare the action of the respondent herein in not following the due process of law to recover the loan amount as arbitrary, illegal, capricious and violative of all cannons of law and justice and consequently direct the respondent to follow the due process of law in recovering the loan amount granted to the petitioner.

The petitioner seems to have availed the loan from the respondent- corporation. On the ground that the petitioner stopped paying the dues, the respondent-corporation sought to recover the same.

The learned counsel appearing for the petitioner contended that the petitioner does not know about the loan account or the amount payable to the respondent-Corporation. He also submits that the respondent-corporation has not given any reply to the legal notices issued by the petitioner and on the other hand proceeding to recover the dues without following due process of law. Therefore, he prays to direct the respondent-Corporation to follow the due process of law to recover the loan amount.

The respondents have not violated any procedure so as to be corrected by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India. No right of the petitioner has been violated or infringed by the respondent-Corporation. Therefore, the question of directing the respondents to follow the due procedure in recovering the loan amount would arise only if it is shown that the respondent-Corporation have arbitrarily exercised the power and without following the due procedure, trying to recover the amounts.

This petition is devoid of merit and the same is accordingly dismissed. There shall be no order as to costs.

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13.12.2004

NOTE: Office to furnish C.C by tomorrow

(B.O)

bsv.

To

1. M/s National Small Industries Corporation Ltd. rep.by its Joint Manager,
   203, Sri Dattasai Complex, RTC X Roads, Hyderabad

2. 2 CD copies